

2085. Misbranding of Balancets, Formula Nos. 1, 2, 3, 8, 12, 13, and 19. U. S. v. Food Balance Corporation. Plea of guilty. Fine, \$250 and costs. (F. D. C. No. 16546. Sample Nos. 9264-F, 68152-F, 68153-F, 71775-F, 90415-F to 90417-F, incl.)

INFORMATION FILED: November 26, 1945, Northern District of Illinois, against the Food Balance Corporation, Chicago, Ill.

ALLEGED SHIPMENT: Between the approximate dates of August 8 and October 12, 1944, from the State of Illinois into the States of Texas, Ohio, Idaho, and Tennessee.

PRODUCT: Analysis of samples disclosed that the products consisted chiefly of dried herbs or dried vegetable material.

LABEL, IN PART: "Balancets Formula No. 1 Aids in Anemia"; "No. 2 Aids in Nervousness"; "No. 3 Aids in Neurasthenia"; "No. 8 Aids in Weak Kidneys"; "No. 12 Aids in Gallstones"; "No. 13 Aids in Biliousness"; "No. 19 Aids in Sugar in Urine (Known as Diabetes)."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in circulars entitled "Balancets Formula No. 1, [or "2, 3, 8, 12, 13, or 19"]," enclosed with the articles, were false and misleading since they represented and suggested that the respective articles would be efficacious in the cure, mitigation, treatment, and prevention of the following diseases and conditions: *Formula No. 1*, anemia; *Formula No. 2*, nervousness; *Formula No. 3*, neurasthenia; *Formula No. 8*, weak kidneys; *Formula No. 12*, gallstones; *Formula No. 13*, biliousness; and *Formula No. 19*, diabetes and sugar in the urine of diabetics. The articles would not be efficacious for the purposes represented.

DISPOSITION: November 7, 1946. A plea of guilty having been entered on behalf of the corporation, the court imposed a fine of \$100 on count 1 of the information relating to the *Formula No. 19* and a fine of \$25 on each of the remaining 6 counts of the information, plus costs.

2086. Alleged misbranding of Cal-O-Dine. U. S. v. Cal-O-Dine, and Kenneth L. Lee and Myron E. Lee. Pleas of not guilty. Tried to a Jury. Verdict of not guilty. (F. D. C. No. 15590. Sample No. 68186-F.)

INFORMATION FILED: November 14, 1945, Northern District of California, against Cal-O-Dine, a partnership, Alameda, Calif., and Kenneth L. Lee and Myron E. Lee, members of the partnership; amended information filed April 1, 1946.

ALLEGED SHIPMENT: From the State of California into the State of Ohio. The product was shipped on or about October 13, 1944, and a number of leaflets entitled "The 'Mysterious'," relating to the product, were shipped within the period from June 1944, through July 1944.

PRODUCT: Analysis of a sample of the product disclosed that it was water, containing the ingredients found in sea water, together with added iodide.

NATURE OF CHARGE: Misbranding, Section 502 (a), the information charged that the label statement, "To supply trace minerals naturally occurring in sea water," was misleading since it created the impression that such trace mineral would have some nutritional or medicinal effect when the article was consumed in accordance with the directions on the label; that the trace minerals would have no nutritional or medicinal effect when consumed as directed; and that the misleading effect of the statement was not corrected by the modifying phrase "though in nutritionally non-significant amounts."

The information charged further that the label statements, "a difference in medical and nutritional opinion exists contrary to representations of value of this product. In favor of the value of trace minerals contained in sea water are the opinions of various medical and nutritional experts qualified by scientific training to evaluate," were false and misleading; that the statements represented and created the impression that there is a difference of opinion among qualified medical and nutritional experts with reference to the uselessness of sea water taken in accordance with the directions on the label of the article as a dietary supplement and as a remedial agent; and that there is no difference of opinion among qualified medical and nutritional experts with reference to the uselessness of sea water taken in accordance with such directions, as dietary supplement and as a remedial agent.

The information charged further than the statements in the leaflets when read in connection with the directions for the ingestion of sea water, borne on the label of the article, were misleading since they created the impression that